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International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues prior to submission of the fourth periodic report of Czechia*

A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please provide information on the measures taken to implement the recommendations contained in the Committee's previous concluding observations (CCPR/C/CZE/CO/3), including any relevant statistical data. Please indicate which procedures are in place for the implementation of the Committee's Views under the Optional Protocol and for submitting follow-up reports thereon, and provide information on the measures taken to ensure full compliance with each of the Views adopted in respect of the State party.

2. Please report on any other significant developments in the legal and institutional framework within which human rights are promoted and protected that have taken place since the adoption of the previous concluding observations, including examples of cases in which the provisions of the Covenant have been referred to by national courts and other law-applying institutions.

B. Specific information on the implementation of articles 1-27 of the Covenant, including with regard to the previous recommendations of the Committee

Constitutional and legal framework within which the Covenant is implemented (art. 2)

3. In the light of the previous concluding observations of the Committee (para. 5) and the information provided by the State party in its follow-up reports (CCPR/C/CZE/CO/3/Add.1-3), please provide information on the adoption of the amendment to the Act on the Public Defender of Rights with a view to extending the human rights competences of the defender. Please clarify whether the proposal is in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

Non-discrimination, equality between men and women (arts. 2, 3, 20 and 25-27)

4. Please provide information on the measures taken to ensure that the Anti-Discrimination Act prohibits discrimination on all grounds, including colour, language,

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national or social origin, property, birth or other status, as stipulated in article 2 (1) of the Covenant.

5. In the light of the previous concluding observations of the Committee (para. 7), please indicate the concrete measures taken to eradicate persisting patriarchal attitudes and gender role stereotypes and sexual harassment in the workplace. Furthermore, please provide information on the measures, including temporary special measures, taken to increase the representation of women in politics and in decision-making positions in the public and private sectors, and include relevant data in that regard.

6. Please provide information on the measures taken to address the reported proliferation of hate speech against Roma, migrants, Muslims, Jews and lesbian, gay, bisexual, transgender and intersex persons, including by politicians at the national and local levels and by high-level officials and in the media, as well as physical attacks against members of minority groups. Please indicate the measures taken to increase the investigation and prosecution rate for such crimes and provide relevant statistical data on the number of complaints, investigations and prosecution and their outcome. Please indicate the measures taken to address the dissemination of hatred against such people through web pages and social media providers registered outside the country. Please also indicate whether the State party is considering revising the Criminal Code, in particular sections 352, 355 and 356, to cover a wider range of grounds on which hate speech and crimes are based. Please further provide information on the implementation of the Fight Against Extremism Strategy.

7. Please provide information on the implementation and follow-up of the Concept for Roma Integration 2010-2013 and the Strategy for Combating Social Exclusion 2011-2015. In the light of the previous concluding observations of the Committee (para. 9), please indicate the steps taken to improve access of Roma to subsidized municipal housing and to prevent forced evictions in Roma settlements and their territorial segregation, and include data on the number of social housing units provided to Roma families during the reporting period. Please also provide information on the measures, including temporary special measures, taken to improve the participation of Roma in political life and relevant statistical data in that regard. In the light of the previous concluding observations of the Committee (para. 10), please provide information on the steps taken to eradicate the segregation of Roma children in education, including the assessment of the capacity of child for the placement.

8. In the light of the previous concluding observations of the Committee (para. 8 (b)) and the information provided by the State party in its follow-up reports (CCPR/C/CZE/CO/3/Add.1-3), please provide updated information on the removal of the pig farm located on a World War II Roma concentration camp in Lety.

9. In the light of the previous concluding observations of the Committee (para. 12), please provide information on the steps taken to ensure the right of persons with disabilities to vote, who are de facto able to exercise the right and to stand for election, and also indicate the measures taken to ensure that election materials are accessible to blind persons or to persons with intellectual disabilities and that polling stations are physically accessible. Also, in the light of the previous concluding observations (para. 13), please provide information on the changes made, in law and in practice, through the adoption in 2014 of the new Civil Code.

10. Please provide information on the measures taken to implement the judgment of the Constitutional Court that section 13 (2) of the Registered Partnership Act is unconstitutional and that the provision should be repealed. Please indicate whether there are any plans to recognize the right of same-sex couples to adopt a child.

Right to life, violence against women, including domestic violence and prohibition of torture and cruel, inhuman or degrading treatment (arts. 3 and 6-7)

11. Please provide information on the criteria that are used to apply the statute of limitations with respect to forced sterilization claims and on the number of forced sterilization cases in which the statute of limitations was and was not applied. Please indicate any measures envisaged to provide victims of forced sterilization whose claims

have lapsed with pecuniary and non-pecuniary compensation. Please clarify how the refusal to initiate criminal proceedings against possible perpetrators of forced sterilization conforms to the State party's obligations under the Covenant. Furthermore, please provide updated information on the implementation of the Law on Specific Health Care Services. In particular, what measures has the State party taken to ensure that all procedures are followed in obtaining the full and informed consent of women, particularly Roma women and women with disabilities, who undergo sterilization at health facilities, at times with the consent of their legal guardians?

12. Please provide information on the measures taken to combat violence against women and domestic violence. In particular, please indicate the concrete measures taken to improve the reporting of cases of such violence and to strengthen the investigation and prosecution of those cases, and include relevant statistical data in that regard. Please also provide information on the legal, physical, psychological and social assistance provided to the victims and on the funding for the assistance allocated by the national budget and other sources.

13. Please provide information on the General Inspection of Security Forces, including the number of complaints made to that body and the results of those complaints, and on the main types of complaints during the reporting period.

14. Please provide information on the measures taken to prevent the use of excessive force by police, particularly at the time of apprehension and during investigation. Please indicate the steps taken to end the practice of strip-searching and of handcuffing detained persons to wall fixtures or similar objects in police establishments.

Elimination of slavery and servitude (art. 8)

15. Please provide updated information on the progress made to combat trafficking in persons, in particular:

(a) The steps taken to improve the identification of victims of trafficking and data collection, and the assistance provided to victims of trafficking, including the availability of adequate compensation and protection;

(b) The prevalence of trafficking in persons, expressed in up-to-date statistical data, disaggregated by gender, age, ethnicity and country of origin;

(c) The number of prosecutions, convictions and sanctions imposed on persons involved in human trafficking and the efforts made to strengthen the enforcement of anti-trafficking legislation, including training programmes for police, prosecutors and judges;

(d) The implementation of a national action plan for 2016-2019.

Right to liberty and security of person, treatment of persons deprived of their liberty, fair trial and independence of the judiciary (arts. 7, 9-10, 14 and 24)

16. Please explain the position of the State party on whether and how the application of surgical castration as one of the treatment options for sex offenders is compatible with the Covenant, and what measures have been taken to end that practice against persons with disabilities deprived of liberty as a form of punishment. Please also provide information on the safeguards for surgical castration provided for in the Law on Specific Medical Services and on the application of such safeguards in practice. Please further provide information on the number of requests made for surgical castration and the number of requests approved during the reporting period.

17. Please indicate the measures taken to prevent and prohibit ill-treatment by prison officers, including physical ill-treatment and verbal abuses of a racist nature and based on presumed sexual orientation, particularly against juveniles. Please also provide information on the measures taken by the State party to respond to a number of allegations that inmates with learning disabilities suffered humiliation by the custodial staff at Brno Remand Prison and on the measures to prevent such incidents from reoccurring. Furthermore, please comment on the conditions of work of prisoners and provide updated information on monthly wages and the deduction of imprisonment costs from prisoners' salaries.

18. Please provide information on the measures taken to improve the conditions of detention in prisons. In particular, please indicate the steps taken:

(a) To abolish the practice of collective strip search in all types of prison;

(b) To restrict the use of restraints, either physical, chemical or a combination of the two;

(c) To provide clear and transparent procedures for the classification of detainees, on the appeal against the classification decision and to ensure the prisoner's views are heard before making a decision on his or her placement in the high security regime or the application of other disciplinary sanctions;

(d) To protect the rights of juveniles in detention and to ensure that their detention constitutes a measure of last resort;

19. Please provide information on the conditions under which detained persons could benefit from free legal aid and whether such legal assistance is available to them from the beginning of their deprivation of liberty by the police.

20. In the light of the previous concluding observations of the Committee (para. 14), please provide information on the measures taken to limit strictly the use of restraints — both physical, chemical and combinations of the two — including enclosed restraint beds (so-called "net beds") in psychiatric institutions. Please also provide information on the measures taken to ensure that any decision to use restraints or involuntary seclusion should be made after a thorough and professional medical assessment and for the time strictly required. Please further indicate any steps taken to establish an independent monitoring and reporting system and to ensure that abuses are effectively investigated and prosecuted and that free legal assistance and redress are provided to the victims and their families. Furthermore, please provide updated information on the efforts made to reform psychiatric care in the State party with a view to minimizing involuntary deprivations of liberty on mental grounds.

21. Please provide information on the measures taken by the State party to reduce the maximum legal period of detention for foreign minors awaiting deportation. Please also provide information on the application of alternative measures for the detention of migrants and asylum seekers and statistical data on the number of migrants and asylum seekers in detention, including the duration of their detention during the reporting period. Please indicate the steps taken to end the detention of vulnerable persons, such as pregnant women, unaccompanied minors and families with children. Furthermore, please provide information on the efforts made to ensure that the physical conditions and services in all immigration and reception centres and the Bela-Jezova Detention Centre conform to international standards.

22. Please provide information on the alleged practice of issuing expulsion orders to asylum seekers arriving with invalid travel documentation prior to registering their asylum application. Please also explain what measures are taken to resettle refugees and to ensure that children born to stateless parents and to a foreign mother and a Czech father out of wedlock do not become stateless. Please further provide information on the legal definition of statelessness and on the measures taken to register all stateless persons, to ensure their access to personal identification documents and to regularize their status.

23. Please provide information on the measures taken to strengthen the independence of the judiciary, including in relation to the recruitment and career advancement of judges and public prosecutors. Please comment on allegations of corruption of the judiciary and influence by the executive and legislature over the judiciary. Please also provide updated information on the status of a white paper on justice and a draft law on the public prosecutor's office in this regard. Please indicate the measures taken to address the excessive delays in court proceedings and prohibitively high court fees. Please update the Committee on the status of a new comprehensive system of legal aid, as indicated in the follow-up report (see CCPR/C/CZE/CO/3/Add.1, para. 31), and provide detailed information on this new legal aid system.

24. In the light of the previous concluding observations of the Committee (para. 20), please indicate whether children under the age of 15 are still subject to standard pretrial criminal proceedings when suspected of an unlawful act, without the required legal assistance or the possibility of assessing their file.

Freedom of expression (art. 19)

25. Please provide information on the steps taken to decriminalize defamation or restrict its application to the most serious cases.

26. Please indicate the measures taken to address the reported concentration of media ownership and provide information on the implementation of an amendment to the law on conflict of interest (the so-called, "anti-Babis law") in that context. Please also clarify how the State party responded to the reported instance that Prima TV, a private media outlet, instructed reporters to portray refugees as a risk and a threat or they would be fired.

27. Please provide information on the implementation of Act No. 106/1999 Coll. on Free Access to Information, including the relevant statistical data, as well as on the measures taken to enhance access to public information and freedom of information.

Rights of the child (art. 24)

28. In the light of the previous concluding observations of the Committee (para. 19), please provide information on the efforts made by the State party to combat child abuse, including early detection mechanisms. Please also provide information on the steps taken to encourage reporting of cases of child abuse and to ensure that all such cases are effectively and promptly investigated and that perpetrators are brought to justice. Please further provide information on the progress made to prohibit corporal punishment in public institutional settings and in the home.